

109TH CONGRESS  
1ST SESSION

# S. 901

To provide States that meet certain requirements with waivers of the adequate yearly progress provisions of the Elementary and Secondary Education Act of 1965.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2005

Mr. ALLEN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide States that meet certain requirements with waivers of the adequate yearly progress provisions of the Elementary and Secondary Education Act of 1965.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Flexibility for Cham-  
5 pion Schools Act”.

6 **SEC. 2. STATE WAIVERS.**

7 Section 1111(b)(2) of the Elementary and Secondary  
8 Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended  
9 by adding at the end the following:

1 “(L) WAIVERS.—

2 “(i) IN GENERAL.—The Secretary  
3 shall grant each State that meets the re-  
4 quirements of clause (ii) a waiver of all  
5 provisions of this Act related to adequate  
6 yearly progress.

7 “(ii) REQUIREMENTS.—The require-  
8 ments referred to in clause (i) are as fol-  
9 lows:

10 “(I) The State establishes aca-  
11 demic content standards in reading,  
12 writing, and mathematics, and tests in  
13 such subjects—

14 “(aa) in reading and mathe-  
15 matics, in grades 3 through 8  
16 and at least once in secondary  
17 school; and

18 “(bb) in writing, at least  
19 once in elementary school, middle  
20 school, and secondary school.

21 “(II) The State establishes aca-  
22 demic content standards in the cat-  
23 egories of science, and United States  
24 history and civics, and tests at least  
25 once in each such category in elemen-

1           tary school, middle school, and sec-  
2           ondary school.

3           “(III) The State makes available  
4           to the public the results of all such  
5           testing, in the aggregate and  
6           disaggregated by groups of students,  
7           as determined under section  
8           1111(b)(2)(C)(v)(II) of the Elemen-  
9           tary and Secondary Education Act of  
10          1965 (except in a case in which the  
11          number of students in a group is in-  
12          sufficient to yield statistically reliable  
13          information or the results would re-  
14          veal personally identifiable informa-  
15          tion about an individual student),  
16          for—

17               “(aa) each local educational  
18               agency located within the State;  
19               and

20               “(bb) each elementary  
21               school, middle school, and sec-  
22               ondary school served by such  
23               local educational agency.

24          “(IV) The State sets pass-rate  
25          goals on such tests that each school

1 and local educational agency shall  
2 meet. These goals shall be determined  
3 by the State educational agency and  
4 shall not be subject to change or  
5 modification by the Department as  
6 part of the process of granting a waiv-  
7 er under this subparagraph.

8 “(V) The State shall determine  
9 the conditions under which students  
10 with disabilities and students who are  
11 limited English proficient take State  
12 tests or alternative assessments. Such  
13 determinations by the State shall com-  
14 ply with the Individuals with Disabil-  
15 ities Education Act (20 U.S.C. 1400  
16 et seq.).

17 “(VI) The State holds schools  
18 and local educational agencies ac-  
19 countable for meeting its pass-rate  
20 goals. The State shall take actions to  
21 address achievement gaps on State  
22 tests affecting groups of students, as  
23 determined under section  
24 1111(b)(2)(C)(v)(II) of the Elemen-  
25 tary and Secondary Education Act of

1           1965. The State shall determine the  
2           consequences for schools and local  
3           educational agencies that fail to meet  
4           the pass-rate goals set by the State,  
5           and the State's determination of con-  
6           sequences shall not be subject to  
7           change or modification by the Depart-  
8           ment as part of the process of grant-  
9           ing a waiver under this subparagraph.

10           “(VII) The State shall determine  
11           goals for secondary school graduation  
12           rates and a State's determination of  
13           the State's goals and the types of di-  
14           plomas the State issues shall not be  
15           reviewable by the Department.”.

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